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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
| 08/520,711 | 08/29/95 | SUMNER G | SU-1443C |

34M2/0903
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| EXAMINER | |
|------------|--------------|
| BRINSON, P | |
| ART UNIT | PAPER NUMBER |
| 3405 | |

DATE MAILED: 09/03/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/520,711

Applicant(s)
Glen R. Sumner

Examiner
Patrick F. Brinson

Group Art Unit
3405



☐ Responsive to communication(s) filed on _____

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire one month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 21-53 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☐ Claim(s) _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☒ Claims 21-53 are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 52, 53 and 21-48 drawn to a pipeline, classified in class 138, subclass 149.
 - II. Claims 50, drawn to a pipeline, classified in class 138, subclass 149.
 - III. Claims 51, drawn to a pipeline, classified in class 285, subclass 75.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions of Group I and Group II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01).

In the instant case the different inventions of Group II does not require the resistance to heat transfer between the pipe and the environment that is contributed by the bituminous composition be greater than the thermal resistance of a coating of a material with thermal conductivity of 0.12 BTU/hr-ft-°F as required by the invention of Group I.
3. Inventions of Groups I and Groups III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of Group I does not require a

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plurality of pipe sections joined at their ends covered with insulation except near the joined ends, as is required by the invention of Group III.

4. Inventions of Group II and Group III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions of Group II does not require the resistance to heat transfer between the pipe and the environment that is contributed by the bituminous composition be greater than the thermal resistance of a coating of a material with thermal conductivity of 0.12 BTU/hr-ft-°F as required by the invention of Group III.

5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II and/or III, restriction for examination purposes as indicated is proper.

6. A telephone call was made to on to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **PATRICK F. BRINSON** whose telephone number is (703) 308-0111.

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A handwritten signature in black ink, reading "Patrick F. Brinson". The signature is written in a cursive style with a large, stylized "P" and "B".

**PATRICK F. BRINSON
PRIMARY EXAMINER
GROUP 3400**

P. F. Brinson
September 2, 1997